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| 10/642,835 | 08/14/2003 | Yuk Cheung Au | P/4076-58 | 4066 |
| 2352 | 7590 | 06/03/2005 | EXAMINER | |
| OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403 | | | ALIE, GHASSEM | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3724 | |

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,835

Applicant(s)

AU ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/14/05(F.1-2)&3/24/05(F.3-4) is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by kropf et al. (5,941,150), hereinafter Kropf. Regarding claim 1, Kropf teaches an apparatus 11 for indexing a length of film or paper P for severance including a linear feeding device 31 operative to hold the film and to feed a predetermined amount of film to a trimming device 53, 55 by moving linearly between an initial position and another position towards the trimming device 53, 55. Kropf also teaches a film holder between the linear feeding device 31 and the trimming device 53, 55 that is operable between a first position wherein a gap 27 is provided for the film P to pass through during the feeding to the trimming device 53, 55. The bottom section of the arm 65, left hand side of the trimming device 53, 55, defines the film holder. See Fig. 2 in Kropf. The film holder is located between the linear feeding device 31 and the trimming device 53, 55. It should be noted that as the linear feeding device slides towards the trimming device the film holder clamps the film. As the linear feeder passes the film holder device, the trimming device 53, 55 sever the film while the holding device holds the film. Kropf also teaches that the film holder is operable to a second position for clamping the film while the trimming device 53, 55, severs the film. It should also be noted that the bottom section of the arm member is holding the film P while trimming device 53, 55 cuts the film. See Figs. 1-5 and col. 4, lines 1-61 in Kropf.

3. Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Price et al. (2,657,926), hereinafter Price. Regarding claim 1, Price teaches an apparatus for indexing a length of film 17 for severance including a linear feeding device 20 operative to hold the film 17 and to feed a predetermined amount of film 17 to a trimming device 52 by moving linearly between an initial position and another position towards the trimming device 52. Price also teaches a film holder 17 between the linear feeding device 20 and the trimming device 53 that is operable between a first position wherein a gap is provided for the film 17 to pass through during the feeding to the trimming device 52. The holding means 70 is located between the feeding device 20 and the cutting device 52. See Fig. 2 in Price. Price also teaches that the film holder 70 is operable to a second position for clamping the film 17 when severing the film 17 with the trimming device 52. See Figs. 1-3 and col. 3, lines 14-73 in Price. It should be noted that the side view of Price's apparatus in Fig. 1 clearly shows that the film holder 70 is located between the trimming device 52 and the linear feeding device 20. The trimming device 52 is located above the bottom section of the film holder 70 and the tip of the feeding device 20 is located below the film holder 70. See Figs. 1 and 2 in Price.

Regarding claim 21, Price teaches everything noted above including that an edge of the film holder is substantially aligned with the trimming device at a position where the trimming device serves the film 17. See Figs. 1 and 2 in Price.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Friberg et al. (3,813,974), hereinafter Friberg. Regarding claim 2, Price teaches everything noted above except that the linear feeder has a vacuum head coupled to a vacuum suction device. However, the use of vacuum head for displacing or moving a product is well known in the art such as taught by Friberg. Friberg teaches a vacuum head 8 for feeding a material 1 forward towards a cutter 12. See Fig. 1-4 and col. 2, lines 31-69 in Friberg. It would have been obvious to a person of ordinary skill in the art to replace the gripping head of the Price's cutting apparatus with the vacuum head as taught by Friberg, since Friberg's gripping head as an alternative for gripping material and moving the material forward functions the same as Price's gripping head.

Regarding claim 3 and 4, Price as modified above teaches everything noted above, but Price does not teach that the head is changeable for different types of film. However, the use of different support surface for contacting film material or the like is well known in the art such as taught by Bruck (4,716,069). Regarding claim 4, Price as modified by Friberg does not teach a surface the linear feeding device contacting the film is made from material that has low static generation with the film. However, the use of supporting surface for the film from low or anti static material is well known in the such as taught by Bruke (4,716,069).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Igarashi (2002/0039119). Regarding claim 5, Price teaches everything noted above except a linear encoder coupled to the linear feeding device for determining the position of the linear

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feeding device. However, the use of encoder with a carriage for a feeder is well known in the art such as taught by Igarashi. Igarashi teaches a linear encoder 9 coupled to a linear carriage 3 for determining the position of the carriage. See Fig. 1 and page 1, paragraphs 3-6 in Igarashi. It would have been obvious to a person of ordinary skill in the art to provide the feeding device of the Price's cutting apparatus with the linear encoder as taught by Igarashi in order to determined the position of the feeding device.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Rosenthal (2,214,478) and in further view of Ando et al. (2002/0057912), hereinafter Ando. Regarding claim 6, Price teaches everything noted above including a film reel 16 for supplying the length of film. Price does not teach sensors positioned adjacent to the film reel operative to activate the film reel to release film at particular position of the film with respect to the sensors, whereby a loop is maintainable between the film reel and the surface supporting the film for indexing. However, Rosenthal teaches a film reel 4 for supplying film and a loop, which is maintained between the film reel and a surface for supporting the film. See Figs. 1-4 and col. 1, lines 45-55 and col. 2, lines 1-14 in Rosenthal. It would have been obvious to a person of ordinary skill in the art to provide the film of Price' cutting device with the loop as taught by Rosenthal in order to eliminate the need of supplying power for pulling the film from the reel by the feeding mechanism. Price in view of Rosenthal does not teach that the sensors maintain the loop on the film. However, the use of sensors to maintain the loop on the film is well known in the art such as taught by Ando. Ando teaches loop sensor 112 for sensing the loop portion 108 of the film. See Figs. 3-6 and page 10, paragraphs 108-111 in Ando. It would have been obvious to a person of ordinary

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skill in the art to provide Price' cutting device, as modified by Rosenthal, with one or more loop sensors as taught by Ando in order to maintain the loop on the film.

Regarding claim 7, Price as modified by Rosenthal teaches everything noted above including one or more rollers 7 situated between the film reel 4 and the linear feeding device to bring the film substantially level with the surface supporting the film. Se Fig. 1 in Rosenthal.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Von Hofe et al. (3,756,899), hereinafter Hofe. Regarding claim 8, Price teaches everything noted above except a collecting reel to which a backing cover peeled off from the film is coupled, for collecting backing cover peeled off from the film during indexing. However, the use of collecting reel for collecting a backing cover of a film or the like is well known in the art such as taught by Hofe. Hofe teaches a collecting reel 66 for collecting the backing cover of the film L. See Fig. 2B and col. 5, lines 24-62 in Hofe. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the collecting reel as taught by Hofe in order to collect the backing cover of the film.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Hofe, as applied to claim 8, and in further view of Moisio (6,297,882). Regarding claim 9, Price as modified by Hofe does not teach sensors adjacent the backing cover that are operative to sense a distance from the backing cover to the collecting sensors and initiate driving of the collecting reel for collecting backing cover from the film at a predetermined distance of the backing cover to the collecting sensors. However, the use of sensor located at fixed at a predetermined distances from a roll of film or web to initiate driving the roll of film

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and paper is well known in the art such as taught by Moisio. Moisio teaches sensors 4, 4', 4'' adjacent a backing cover 2 that are operative to sense a distance from the backing cover to the collecting sensors and initiate driving of the collecting reel for collecting backing cover from the film at a predetermined distance of the backing cover to the collecting sensors. See Figs. 1-4 and col. 3, lines 5-65 in Mosios. It would have been obvious to a person of ordinary skill in the art to provide Price, as modified by Hofe, with the sensors as taught by Moisio in order to measure the size of the roll of collecting reel and determined when it has to be replaced.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Nam et al. (2002/0109217), hereinafter Nam. Regarding claim 10, Price teaches everything noted above except a pick up device movable between the trimming device and a placement position and an optical device positioned under the pick-up device for inspecting a piece of film on the pick-up device. Nam teaches a pick up device 52 movable between the trimming device 48 and a placement position 66. See Fig. 4 in Nam. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the picking device as taught by Nam in order to pick up the to apply the film on the workpiece. Price as modified by Nam does not teach an optical device to inspect a piece of film. However, Official notice is taken that the use of optical devices for inspection of the cut pieces are well known in the art such as taught by Thomson et al. (5,046,389).

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Dueck (6,647,872). Regarding claims 11 and 12, Price teaches everything noted above except a sensor to detecting a presence of a length of film. However, the used of

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sensors to detect end-of-film or workpiece and the use a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Dueck. Dueck teaches a sensor for detecting the presence of workpiece. See Col. 2, lines 10-20 in Dueck. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the sensor as taught by Dueck in order to detect the presence of the film.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Yamaguchi et al. (5,239,904), hereinafter Yamaguchi. Price teaches everything noted above except a sensor for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. However, the use of sensors to detect end-of-film or workpiece and the use a sensor for detecting a presence of a length of film or workpiece are well known in the art such as taught by Yamaguchi. Yamaguchi teaches a sensor E for detecting end-of-film on and initiating an action to stop feeding film to the trimming device. See col. 12, lines 1-25 in Yamaguchi. It would have been obvious to a person of ordinary skill in the art provide Price's cutting device with the sensor as taught by Yamaguchi in order to detect the leading end of the film.

Response to Amendment

13. Applicant's arguments filed on 03/24/05 have been fully considered but they are not persuasive.

Applicant's argument that Kropf does not teach that the film holder is located between the linear feeding device and the trimming device and the does not clamp the film while the film is being served by the trimming device is not persuasive. The bottom section of the arm 65, left hand side of the trimming device 53, 55, defines the film holder. See Fig. 2

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in Kropf. The film holder is located between the linear feeding device 31 and the trimming device 53, 55. It should be noted that as the linear feeding device slides towards the trimming device the film holder clamps the film. As the linear feeder passes the film holder device, the trimming device 53, 55 sever the film while the holding device holds the film. Kropf also teaches that the film holder is operable to a second position for clamping the film while the trimming device 53, 55, severs the film. It should also be noted that the bottom section of the arm member is holding the film P while trimming device 53, 55 cuts the film. See Figs. 1-5 and col. 4, lines 1-61 in Kropf.

Applicant's argument that Price does not teach that the film holder is located between the linear feeding device and the trimming device is not persuasive. The side view of Price's apparatus in Fig. 1 clearly shows that the film holder 70 is located between the trimming device 52 and the linear feeding device 20. The trimming device 52 is located above the bottom section of the film holder 70 and the tip of the feeding device 20 is located below the film holder 70. See Figs. 1 and 2 in Price.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).


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GA/ga

May 26, 2005